

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 02-1958

United States of America,

Appellee,

v.

Jose Refugio Gil-Becerra,

Appellant.

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Appeal from the United States
District Court for the
Northern District of Iowa

[UNPUBLISHED]

Submitted: November 7, 2002

Filed: November 15, 2002

Before McMILLIAN, RICHARD S. ARNOLD, and BYE, Circuit Judges.

PER CURIAM.

Jose Refugio Gil-Becerra appeals from the final judgment entered in the District Court¹ for the Northern District of Iowa after he pleaded guilty to unlawfully reentering the United States following removal, in violation of 8 U.S.C. § 1326(a). The district court sentenced Gil-Becerra to 12 months imprisonment to be followed by 1 year of supervised release. His counsel has moved to withdraw and filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing for reversal that the guilty

¹The Honorable Mark W. Bennett, Chief Judge, United States District Court for the Northern District of Iowa.

plea was involuntary because Gil-Becerra was led to believe by his counsel that he would be sentenced to time served.

We conclude that the district court did not plainly err in accepting Gil-Becerra's guilty plea because he confirmed at his plea hearing that he realized, despite counsel's prediction, that he could be sentenced to up to 2 years imprisonment. See United States v. Granados, 168 F.3d 343, 345 (8th Cir. 1999) (per curiam). Having found no nonfrivolous issues following our independent review of the record in accordance with Penson v. Ohio, 488 U.S. 75, 80 (1988), we grant counsel's motion to withdraw.

Accordingly, we affirm.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.